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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,060	11/13/2001	Katherine W. Hughes	SP00-369	3885
22928	7590	05/24/2004	EXAMINER	
CORNING INCORPORATED			WALSH, BRIAN D	
SP-TI-3-1				
CORNING, NY 14831			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/008,060	Applicant(s) HUGHES, KATHERINE W.	
	Examiner Brian D. Walsh	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 13-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

In view of the Appeal filed on 4/28/04, PROSECUTION IS HEREBY REOPENED. As set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Note that this is a final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claims 13 – 14, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spridco in view of Brown and in further view of Holpp et al. (U.S. Pat. No. 6,368,726).

Regarding claim 19, Spridco discloses a method of forming a catalyst substrate by cutting the substrate into the desired shape (Col. 1, lines 48 – 54).

Spridco discloses a method of forming a catalyst substrate by cross-cutting the substrate to a desired shape and size, however, Spridco fails to disclose the cutting action is specifically carried out by a guided cutting filament. Spridco does teach that cutting may be carried out by a number of various methods.

Regarding claim 19, Brown discloses an apparatus and method for cutting various materials. Specifically, Brown discloses a method for cutting material by rotating first and second guides (21 and 22, respectively) with a cutting filament (26) extends between the guides. Brown teaches the filament can be inclined relative to an axis of a workpiece (Col. 2, lines 30 – 37).

Regarding claim 13, it is clear that the guides are located adjacent the workpiece area (generally in the area of 24).

Regarding claim 14, it is clear in the drawings and the description by Brown that the first pulley (21) rotates relative to the second (22) (Col. 2, lines 61 – 65).

Regarding claim 16, Brown discloses the filament is disposed about a closed path that includes a section between the first and second guides (21, 22) (see figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cutting action as taught by Spridco to include the rotating

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cutting filament as taught by Brown since Brown teaches the use of this method in order to cut intricate or delicate patterns in stock material (Col. 1, lines 37 – 39).

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spridco in view of Brown and in further view of Collins.

Spridco, as modified by Brown, discloses all of the elements as set forth in the above rejections, however, Spridco as modified by Brown fails to disclose a method of cutting including an open path system with a path section extending between first and second guides.

Collins discloses an apparatus and method nearly identical to both Brown and the instant invention including translating a filament on a cutting device between two guides. Collins further discloses a supply spool (100) and a “take-up” spool (102) defining an open path system including a section between the two guides.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the closed loop method of Brown to be an open loop method as taught by Collins since Collins discloses having a feed and ‘take-in’ in opposition to a closed system allows for an incremental advance of the cutter filament after each cut while maintaining an axial tension during cutting (Col. 2, lines 35 – 39).

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spridco in view of Brown and in further view of Holpp et al. (U.S. Pat. No. 6,368,726).

Spridco and Brown disclose all of the elements as set forth in the above rejections including an apparatus capable of cutting a catalyst substrate into a particular shape, however, Spridco and Brown fail to explicitly disclose a catalyst substrate being cut into a shaped face, concentric with a longitudinal axis thereof.

Holpp discloses a method for forming a catalyst substrate including forming a frusto-conical shape on a face of the substrate, concentric with a longitudinal axis of the substrate (figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cutting of a catalyst substrate taught by Spridco, as modified by Brown, to include the concentrically positioned frusto-conical shape as taught by Holpp et al. since Holpp et al. teaches the placement of the frusto-conical shape on the catalyst face in order to achieve good distribution of flow and cold-starting performance (Col. 7, lines 1 – 5).

Response to Arguments

5. A review of Applicant's Brief reveals the Examiner did fail to provide a PTO-892 citing reference Holpp et al. (U.S. Pat. No. 6,368,726). Though the Examiner did provide the Patent Number for Holpp et al. in the Advisory Action, Applicant maintained that the relied upon reference was still "unknown" in the Brief.

6. The remainder of Applicant's Arguments are moot in anticipation of Applicant's review of all cited and relied upon references.

Conclusion

7. The response period for this Action is set to one month. Please refer to MPEP 710.06, which reads:

710.06 Situations When Reply Period Is Reset or Restarted

Where the citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the

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mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. **If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period. For example, if the error is brought to the attention of the Office 5 weeks after mailing the action, then the Office would set a new 2-month period for reply. The new period for reply must be at least 1 month and would run from the date the error is corrected. See MPEP § 707.05(g) for the manner of correcting the record where there has been an erroneous citation.**

Where for any reason it becomes necessary to refile any action (MPEP § 707.13), the action should be correspondingly redated, as it is the remailing date that establishes the beginning of the period for reply. Ex parte Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).

A supplementary action after a rejection explaining the references more explicitly or giving the reasons more fully, even though no further references are cited, establishes a new date from which the statutory period runs.

If the error in citation or other defective Office action is called to the attention of the Office after the expiration of the period for reply, the period will not be restarted and any appropriate extension fee will be required to render a reply timely. The Office letter correcting the error will note that the time period for reply remains as set forth in the previous Office action.

Allowable Subject Matter

8. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The Examiner has provided reasoning for allowable subject matter in a previous Action.

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Faxing of Responses to Office Actions

10. In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to all Office Actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the Examiner.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Walsh whose telephone number is (703) 605-0638. The examiner can normally be reached on Monday - Friday 8:30 A.M. to 6:00 P.M., with every-other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (703) 308-2159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



BDW
May 20, 2004



A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700